

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

CHARLES LESTER BIBBINS,

Plaintiff,

vs.

No. 1:20-CV-561-TH

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
APPLICATION FOR ATTORNEY'S FEES**

Before the court is the Plaintiff's Application for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. #25.) The Commissioner's response stated that she was unopposed to the requested fee. (Doc. #26.) Judge Stetson recommended that the court grant the Plaintiff's application, and neither party filed objections to her Report and Recommendation. It is therefore

ORDERED that the Report and Recommendation Regarding Attorney Fees is **ADOPTED**. It is further

ORDERED that the Plaintiff's application for attorney's fees (Doc. #25) is **GRANTED** and the Commissioner of Social Security shall pay Charles Lester Bibbens, in care of his attorney, Michael Kelly, an attorney fee in the amount of \$4,945.90. This amount includes fees and compensation for 23.50 hours of service at \$125.00 per hour, plus an adjustment for increased costs of living consistent with the Consumer Price Index for the relevant time periods. The court directs that the award be mailed to Charles Lester Bibbens, in care of his attorney, Michael Kelly, at his office address, Morgan & Weisbrod, L.L.P., P.O. Box 821329, Dallas, Texas, 75382. It is further

ORDERED that this award is subject to any beneficial, contractual and/or assignment-based interests held by the Plaintiff's attorney. If successful at the administrative level, the Plaintiff is granted an extension of sixty days from receipt of the Notice of Award from the Social Security Administration to file a motion for attorney's fees under 42 U.S.C. § 406(b).

SIGNED this the **23** day of **March, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge